

EXHIBIT C



List of Species

Pesticide Use
Limitations (by
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Court Ordered
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Point of Sale Notification for Urban Uses of Certain Pesticides

On January 30, 2001, the Washington Toxics Coalition et al. filed suit against the US Environmental Protection Agency (EPA) in the Western District of Washington, alleging that EPA had failed to consult with the National Marine Fisheries Service on whether certain pesticides posed jeopardy to 26 federally listed endangered and threatened Pacific salmon and steelhead. Under the Endangered Species Act, EPA must ensure that its registration of a pesticide is not likely to jeopardize the continued existence of species listed as endangered and threatened or to adversely modify habitat critical to those species' survival.

On January 22, 2004, the District Court issued an Order granting interim injunctive relief to the WTC et al. pending EPA's compliance with a schedule for review of these pesticides ordered earlier by the Court. The January 2004 Order imposes no-use buffer zones around Salmon Supporting Waters (as defined by the Court) in Washington, Oregon and California. Further, for pesticides containing any of 7 named active ingredients and used in Urban Areas (also defined by the Court), the Court ordered EPA to develop a [point of sale notification](#) (141 KB, [PDF](#), 1 pg) that contains specified text and a prominent graphic. The defendant-intervenors in this case (groups representing pesticide manufacturers, distributors and pesticide users) have been ordered to distribute the point of sale notification to retail outlets in Urban Areas of Washington, Oregon and California. EPA, in turn, was ordered to provide the point of sale notification to State Fish Agencies, Pesticide State Lead Agencies, and Land Grant University Extension Coordinators in Urban Areas by April 5, 2004. Additionally, EPA was to request that the notification be provided to certified applicators in the state who are certified in any category that would permit the applicator to apply pesticides in parks, golf courses and housing areas in the Urban Areas.

The pesticide active ingredients to which the point of sale notification is to be directed, when used in products that may be applied in Urban Areas, are: 2,4-D, Carbaryl, Diazinon, Diuron, Malathion, Triclopyr BEE and Trifluralin. The Urban Areas affected by this point of sale notification may be found in an attachment to the [January 22, 2004 Court Order](#) (755 KB, [PDF](#), 31 pgs). [Additional information regarding all of the court's orders](#) in this case and other documents related to this litigation are also available on the Web site.

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